

## **Exhibit 2**

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

CHRISTINE McGEE, a married woman,

Plaintiff,

v.

WRIGHT MEDICAL TECHNOLOGY, INC.,  
a Delaware corporation; JOHN and JANE  
DOES I-X; BLACK CORPORATIONS I-X;  
and WHITE CORPORATIONS I-X,

Defendants.

No. CV2019-001616

**Complaint**

(Products Liability)

Plaintiff, for her Complaint against Defendants, alleges as follows.

**PARTIES, JURISDICTION AND VENUE**

1. At all times relevant to this action, Plaintiff Christine McGee was a resident of Maricopa County, Arizona. Plaintiff McGee continues to reside in Maricopa County, Arizona.

2. Defendant Wright Medical Technology, Inc., is a corporation organized under the laws of the State of Delaware and thus, is a citizen of the State of Delaware. Defendant Wright Medical Technology, Inc. is registered to do business in Arizona, and regularly conducts business in Arizona.



10. On April 19, 2017, Ms. McGee underwent a revision surgery with Dr. Brent Hansen at Abrazo Arrowhead Campus in Glendale, Arizona.

11. Complications stemming from the failed left Wright Medical hip implant have caused, and continue to cause additional pain and suffering subsequent to the revision surgery.

**COUNT I**  
**(STRICT LIABILITY)**

12. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

13. At all relevant times, Wright Medical was in the business of designing, manufacturing, marketing and selling orthopedic hips.

14. Wright Medical designed, manufactured, sold and introduced into the stream of commerce the defective hip which failed and caused the subsequent revision surgeries, and pain and suffering. Wright Medical designed, manufactured, sold and introduced into the stream of commerce the defective hip implant device which failed and caused the subsequent revision surgeries, and pain and suffering.

15. Wright Medical is liable for the failed hip, and it is liable for placing a defective and unreasonably dangerous product into the stream of commerce, and allowing a defectively-designed and manufactured orthopedic hip implant device to leave its control.

16. The orthopedic hip implant device in question contained manufacturing, design and warning defects at the time it left Wright Medical's control. These defects occurred within the life of the orthopedic hip and the orthopedic hip did not perform as safely as an ordinary consumer would have expected at the time of use.

17. The orthopedic hip implant device was used by Plaintiff Christine McGee in a way that was reasonably foreseeable to Wright Medical.

18. The unreasonably dangerous nature of the orthopedic hip implant device created a high probability that the hip would break and move, which it did, resulting in severe injury.

1           19. Wright Medical is strictly liable for designing, manufacturing, marketing  
2 and/or placing a defective and unreasonably dangerous product into the stream of commerce.

3           20. The defect in the Wright Medical hip implant device was the proximate cause  
4 of the Plaintiff's severe injuries and damages.

5           21. As a result of Defendant's liability, Plaintiff Christine McGee sustained  
6 emotional and physical injuries, incurred medical expenses and will incur medical expenses  
7 and loss of income in the future.

8           22. Plaintiff is informed and believes that Defendant Wright Medical knew or  
9 should have known about the defects alleged in this Complaint and that death and/or  
10 catastrophic injuries could occur due to the defects in the subject hip implant device.  
11 Nonetheless, the defects were not corrected by Defendant Wright Medical. Nor did  
12 Defendant Wright Medical warn the public about these defects and the risks they posed.  
13 Instead, it deliberately and intentionally concealed such information from the public. Such  
14 acts and/or omissions constitute willful, wanton, reckless and malicious behavior and/or  
15 conscious disregard for the substantial risk that such conduct might threaten the life, health  
16 and safety of Plaintiff.

17           23. Plaintiff is entitled to punitive damages against Defendant Wright Medical.

18                                   COUNT II  
19                                   (NEGLIGENCE)

20           24. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as  
21 if fully set forth herein.

22           25. Defendant Wright Medical was negligent in the design, manufacture,  
23 inspection, assembly, installation, distribution, repair, maintenance and/or sale of the  
24 subject hip implant device. In addition, Defendant Wright Medical's conduct created an  
25 unreasonable risk of bodily harm to Plaintiff Christine McGee.

26           26. Defendant Wright Medical's negligence was a cause of bodily harm to  
27 Plaintiff.

28           27. As a direct and proximate result of Defendant Wright Medical's negligence

1 and carelessness, Plaintiff sustained injuries and damages described above.

2 28. Plaintiff is informed and believes that Defendant Wright Medical knew or  
3 should have known about the defects alleged in this Complaint and that death and/or  
4 catastrophic injuries could occur due to the defect of the subject hip. Nonetheless, the  
5 defects were not corrected by Defendant Wright Medical.

6 29. Nor did Defendant Wright Medical warn the public about the defects and risks  
7 they imposed. Instead, it deliberately and intentionally concealed such information from  
8 the public. Such acts and/or omissions constitute willful, wanton, reckless and malicious  
9 behavior and/or a conscious disregard for the substantial risk that such conduct might  
10 threaten the life, health and safety of Plaintiff.

### 11 COUNT III

#### 12 (FAILURE TO WARN)

13 30. There is a foreseeable risk that the right orthopedic hip implant device  
14 designed by Defendant would create a defective and unreasonably dangerous condition if  
15 implanted in the body habitus. Defendant knew or reasonably should have known of risks  
16 of harm at the time they marketed and/or distributed the right hip implant device, but failed  
17 to warn about those risks.

18 31. Defendant failed to warn, or adequately warn Plaintiff of the aforesaid danger  
19 or risk of harm, or failed to give her adequate instructions on how to avoid the danger.

20 32. As a direct and proximate result of Defendant Wright Medical's failure to  
21 warn and carelessness, Plaintiff sustained injuries and damages described above.

22 33. The right orthopedic hip implant device was unreasonably dangerous as  
23 marketed because it was dangerous as to its characteristics to an extent beyond that which  
24 would be contemplated by the ordinary consumer with the knowledge common to this  
25 community, and upon information and belief, and at a higher failure rate than other hip  
26 implants on the market in 2007.

### 27 TIER DESIGNATION

28 Given the damages sought and complexity of the case, Plaintiff certifies that this

case warrants case management and pretrial discovery under Tier 3.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. For general damages to compensate Plaintiff for the pain, anguish, sorrow, mental and/or emotional suffering, limitation, stress, and shock she experienced, and will experience in the future;

2. For the reasonable value of medical expenses incurred by Plaintiff through the date of trial and to incurred into the future;

3. For the reasonable value of Plaintiff's loss of income and loss of earning capacity;

4. For punitive damages to punish Wright Medical and deter like conduct in the future;

5. For cost of suit; and

6. For such other and further relief as the Court deems best and proper.

DATED this 15 day of February, 2019.

GALLAGHER & KENNEDY, P.A.

By: 

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